

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Kayan et al. **EXAMINER:** Victor X. Nguyen
SERIAL NO.: 10/751,579 **ART UNIT:** 3731
FILED: January 5, 2004 **DATED:** September 25, 2007

FOR: METHOD FOR BLOOD VESSEL CLIP APPLICATION

Mail Stop 313(c)
Commissioner for Patents
P.O. Box 1450
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**PETITION UNDER 37 § 1.313(c) TO
WITHDRAW APPLICATION FROM ISSUE**

OFFICE OF PETITIONS

Sir:

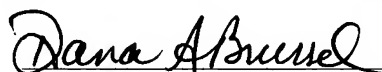
Petitioner seeks to have the above-identified application withdrawn from issue in order to give the Examiner the opportunity to consider the references cited in the Supplemental Information Disclosure Statement that was mailed on January 25, 2006. The following facts are in support of this petition.

A Notice of Allowability was mailed by the United States Patent and Trademark Office on January 10, 2006. Prior to payment of the issue fee, the applicants timely filed a Supplemental Information Disclosure Statement that was mailed on January 25, 2006. The Supplemental Information Disclosure Statement was filed under 37 C.F.R. § 1.97(e)(1) since the references listed therein were listed in a search report issued by the European Patent Office that was mailed on October 27, 2005 in connection with a counterpart foreign application. Thus, the

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to: Mail Stop 313(c), Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 25, 2007.

Dated: September 25, 2007


Dana A. Brussel

Appl. No. 10/751,579

Communication dated September 25, 2007

Reply to Office Communication mailed September 13, 2007

applicants filed a timely request for the Examiner to consider the references in the European search report. On March 29, 2006, the applicants timely paid the issue fee for the above-identified application.

On September 13, 2007, an Office Communication was mailed by the United States Patent and Trademark Office. The Office Communication stated that the Supplemental Information Disclosure Statement mailed on January 25, 2006 would not be considered because the statement under 37 C.F.R. § 1.97(e) was defective. According to the Office Communication, the statement did not state that each item was "first cited in any communication." The applicants respectfully submit that the Supplemental Information Disclosure Statement was filed in a timely manner and in a good faith effort to comply with the requirements of 37 C.F.R. § 1.56.

In addition, the applicants hereby submit a duplicate Supplemental Information Disclosure Statement, a copy of the European Search Report, a copy of the foreign reference listed therein, and a Request for Continued Examination under 37 C.F.R. § 1.114.

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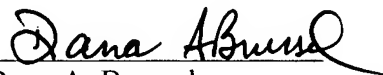
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In view of the above showing of good and sufficient reasons why withdrawal of the application is necessary, the applicants hereby petition that the instant application be withdrawn from issue. Please charge the fees required under 37 C.F.R. § 1.17 (h) to Deposit Account **21-0550**. **TWO (2) COPIES OF THIS SHEET ARE ENCLOSED.**

Respectfully submitted,

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